UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY D. SHANNON **Plaintiff** **vs.** **VERIZON PENNSYLVANIA INC., EXPERIAN INFORMATION SOLUTIONS INC., and EQUIFAX INFORMATION SERVICES, LLC** **Defendants**	**Case Number: 09-3138**

COUNTERSTATEMENT OF MATERIAL FACTS

Plaintiff, Jeffrey D. Shannon, by and through his attorneys submits the following Counterstatement of Material Facts:

1. Admitted.

2. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant, Equifax's files and updates.

3. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's sources or determinations of "reasonably reliable" sources.

4. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

5. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

6. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

7. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

8. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

9. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

10. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

11. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

12. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

13. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

14. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

15. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

16. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

17. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

18. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's procedures and Defendant is left to their proofs at trial regarding same.

19. Admitted.

20. Denied as stated. Plaintiff paid $260.10 to Verizon based on a bill dated September 27, 2008. However, Plaintiff had doubts about the dollar amount and in fact believed part of the bill was in error due to a charge for a router which was never received. (Shannon Dep. at 50:7-10, 51:24-52:17).

21. Admitted.

22. Denied as stated. Plaintiff did receive a bill from Verizon dated October 27, 2008 which indicated a total amount due of $161.16, however Plaintiff contacted Verizon who indicated during several phone calls that the bill amount was in error. (*Id*. at 51:24-52:17).

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted.

30. Admitted.

31. Admitted.

32. Admitted.

33. Admitted.

34. Admitted.

35. Admitted.

36. Admitted.

37. Denied. The mere sending of an ACDV to Verizon does not amount to a reasonable investigation under the FCRA, particularly in relation to the details provided by the Plaintiff in his dispute. By way of further response, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's ACDV to Verizon and Defendant is left to their proofs at trial regarding same.

38. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the Defendant's form or information sent to Verizon on behalf of Defendant and Defendant is left to their proofs at trial regarding same.

39. Denied. Defendant's acceptance of an automated response from Verizon, after providing only a sentence description of a dispute to Verizon, does not amount to a reasonable investigation of Plaintiff's dispute under the FCRA. By way of further response, Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the response from Verizon that Defendant received and Defendant is left to their proofs at trial regarding same.

40. Admitted.

41. Denied. Plaintiff has provided sufficient evidence of harm caused to him as a result of errors in Plaintiff's credit file.

Respectfully submitted,

Warren & Vullings, LLP

BY: ***/s/ Brent F. Vullings***
Brent F. Vullings, Esquire
Attorney for Plaintiff, Jeffrey D. Shannon

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CERTIFICATE OF SERVICE

I, Brent F. Vullings, Esquire, attorney for Plaintiff, hereby certify that a true and correct copy of the foregoing Counterstatement of Material Facts has been served electronically upon the following parties:

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